

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:07CR79
)
vs.) ORDER
)
MICHAEL R. KITT,)
)
Defendant.))

This matter is before the court on the motion for an extension of time by defendant Michael R. Kitt (Kitt) (Filing No. 13). Kitt seeks until April 19, 2007, in which to file pretrial motions in accordance with the progression order (Filing No. 10). Kitt's counsel represents that Kitt will file an affidavit wherein he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

Defendant Kitt's motion for an extension of time (Filing No. 13) is granted. Kitt is given until **on or before April 19, 2007**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **March 20, 2007 and April 19, 2007**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendants' counsel require additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 20th day of March, 2007.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge